

Standards (4 CFR Part 103) relating to the compromise of claims (without regard to the amount of the debt), or if the agency determines that collection of these charges would be against equity and good conscience, or not in the best interests of the United States. Waiver under the first sentence of this paragraph (g) is mandatory. Under the second and third sentences, it may be exercised under the following circumstances:

(1) Waiver of interest pending consideration of a request for reconsideration, administrative review, or waiver of the underlying debt under a permissive statute, and

(2) Waiver of interest where FMCS has accepted an installment plan, there is no indication of fault or lack of good faith on the part of the debtor, and the amount of interest is large enough in relation to the size of the installments that the debtor can reasonably afford to pay, that the debt will never be repaid.

(h) Where a mandatory waiver or review statute applies, interest and related charges may not be assessed for those periods during which collection action must be suspended under § 104.2(c)(1) of the Federal Claims Collection Standards (4 CFR Part 104).

§ 1450.30 Exemptions.

(a) The provisions of 31 U.S.C. 3717 to not apply:

(1) To debts owed by any State or local government;

(2) To debts arising under contracts which were executed prior to, and were in effect on (i.e., were not completed as of), October 25, 1982;

(3) To debts where an applicable statute, regulation required by statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debts arising under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States.

(b) However, FMCS is authorized to assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

§ 1450.31. Other sanctions.

The sanctions stated in this subpart are not intended to be exclusive. Other sanctions which may be imposed by the Director of FMCS include placement of the debtor's name on a list of debarred, suspended or ineligible contractors or grantees; conversion of method of payment under a grant from an advance payment method to a reimbursement method; or revocation of a letter of credit. Notice will be given by FMCS to

the debtor regarding the imposition of such other sanctions.

Dated: July 3, 1986.

Duane M. Buckmaster,

Deputy Director.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL-3046-1]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the Ozone designation for Williamson County from nonattainment to attainment. This revision is based on a request from the State of Illinois to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on August 8, 1986.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT:

Randolph O. Cano, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every state. See 43 FR 8962 (March 3, 1978) and 40 CFR Part 81 (1985). These area designations may be revised whenever the data warrants.

USEPA's policy as contained in the "Guideline for the Interpretation of Ozone Air Quality Standards" (EPA-450/4-79-003), provides that the NAAQS for ozone is violated when the annual

average expected number of daily exceedances of the standard (0.12 parts per million (ppm), one-hour average) is greater than or equal to 1.05 at any site in the area under consideration. A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 ppm (EPA-450/4-79-003).

Criteria for redesignation requests, as they pertain to ozone are discussed in the following USEPA memoranda:

1. December 7, 1979 from Richard G. Rhoads to the Directors of Air and Hazardous Materials Divisions, Region I-X, "Criteria for Ozone Redesignations Under Section 107."

2. April 21, 1983, from Sheldon Meyers to Directors of Air Management Division, "Section 107 Designation Policy Summary."

3. December 23, 1983, from G.T. Helms to Chiefs of Air Program Branches, Region I-X, "107 Questions and Answers."

USEPA's policy on ozone redesignation as contained in the above referenced policy memoranda is summarized as follows:

1. Generally, the most recent 3 years of quality-assured ozone monitoring data are to be considered. As little as 1 year of data may be considered if these are the only available data.

2. Even though 3 years of data may exist for a given site, less than 3 years of ozone data may be considered as adequate support for a redesignation to attainment. If less than 3 years of data are used, no exceedances of the ozone standard can have occurred during the most recent year or 2 years.

Consideration of only the most recent year of data also requires the use of a state-of-the-art analysis to demonstrate that the State Implementation Plan (SIP) control strategy is sound and that actual, enforceable emission reductions are responsible for the recent air quality improvement.

3. The designation given for an area applies to whole counties. No subdivision of a county is allowed. Urban areas should have a single designation, with the designation area including the entire urbanized area and fringe areas of development.

4. The nonattainment area should be of sufficient size to include all significant impacting volatile organic compound emission sources.

On August 6, 1985 (50 FR 31732), USEPA proposed to revise the designation of Macoupin, Monroe and Williamson Counties from nonattainment to attainment for ozone. This revision was based on a July 20, 1984, request from the State of Illinois. A

detailed discussion of the basis of USEPA's action can be found in the notice of proposed rulemaking. During the public comment period, no comments were submitted.

On February 23, 1986, USEPA notified the State that although USEPA proposed to designate Macoupin and Monroe Counties to attainment, USEPA could no longer support the redesignation of these counties. USEPA's Aerometric Data Bank indicated 1985 exceedances of the ozone NAAQS in Macoupin and Monroe Counties not contemplated in the August 6, 1985 (50 FR 31732), proposed rulemaking. These exceedances, when coupled with the three prior exceedances observed in each of these two counties in 1983 and 1984, constitute violations of the ozone NAAQS. Under the circumstances, USEPA requested that the State withdraw its ozone redesignation request for these counties. On March 31, 1986, the State responded with a withdrawal of their ozone redesignation request for these two counties. Based on this withdrawal, USEPA has withdrawn its proposed ozone redesignation of Macoupin and Monroe Counties.

USEPA, today, approves the redesignation of Williamson County from nonattainment for ozone to attainment for the following reasons:

1. Illinois presented three years of quality assured ozone monitoring data for Williamson County which showed no exceedances or violations of the ozone NAAQS.

2. The request for redesignation covers the whole county and not a portion of it.

3. The redesignation area includes all significant sources of VOC which impact the County.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 8, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: June 27, 1986.

Lee M. Thomas,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—ILLINOIS

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 81.314 is amended by revising the Ozone attainment status designation of Williamson County from "Does Not Meet Primary Standards" to "Cannot be Classified or Better than National Standards" as follows:

§ 81.314 Illinois.

ILLINOIS—OZONE

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AOCR 74:		
Williamson County.....	X	

[FR Doc. 86-15418 Filed 7-8-86; 8:45 am]

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LEGAL SERVICES CORPORATION

45 CFR Parts 1600 and 1631

Expenditure of Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Final rule; amendment.

SUMMARY: On February 20, 1986, the Corporation published in the *Federal Register* a proposed new rule on the expenditure of grant funds. After carefully considering comments received, the Board of Directors on May 23, 1986, approved an amended version of this proposal. Under the new rule recipients must expend all funds derived from the Corporation in accordance with the restrictions and provisions of Pub. L. 99-180 of December 13, 1985, unless they obtain a waiver from the Corporation.

EFFECTIVE DATE: August 8, 1986.

FOR FURTHER INFORMATION CONTACT: Michael J. Coster, Comptroller, 400 Virginia Avenue SW., Washington, DC 20024-2751, (202) 863-1820.

SUPPLEMENTARY INFORMATION: This rule responds to concerns that certain activities, such as grassroots lobbying, which Congress restricted in 1982, 1983, 1984, and 1985 appropriations measures would be continued into 1986 and beyond with pre-1982 carry-over funds. In the last few years each

appropriations rider has contained restrictions on recipient activities that exceeded those in the Legal Services Corporation (LSC) Act. Recipients could spend on newly prohibited activities money left over from prior years as long as that money came from a year in which Congress had not prohibited the activity. One result of this legal anomaly was that recipients commonly stockpiled funds from prior years. When Congress passed Pub. L. 99-180 last winter it gave clear indication that this practice was to cease. This rule, in conjunction with the provisions of the *Audit Guide for Recipients and Auditors*, is intended to carry out the intent of Congress. It amends LSC regulations in two respects.

First, part 1600 is amended by the addition of a definition of "control", a term that is used both in new part 1631 and in section 7 of Chapter 1 of the *Audit Guide*. In the past, certain recipients have sought to shield LSC funds from oversight by the Corporation and to evade the restrictions Congress imposed on such funds by awarding them to mirror corporations or other related organizations. The purpose of this definition is to ensure that recipients do not evade LSC oversight by shifting funds to other organizations over which recipients have substantial control. This definition recognizes that control can exist without being directly exercised. Control exists where arm's-length transactions between two organizations are impossible because of the ability of one organization to determine or influence the management or policies of the other. The definition thus focuses not only on evidence of technical relatedness, such as common directors, but on the real ability of one organization to influence another.

Second, a new Part 1631 entitled "Expenditure of Grant Funds" is created to implement the action of Congress. Section 1631.1, the operative provision, requires recipients to expend all LSC funds in accordance with the restrictions and provisions of Pub. L. 99-180. The term "LSC funds" covers all funds derived from the Corporation. It includes income from LSC funds as well as LSC funds held by mirror corporations or other controlled organizations. The only exception to § 1631.1 is that recipients may spend funds for the continued representation of aliens in cases where representation commenced prior to January 1, 1983, or where the Corporation approves the representation. Section 1631.2 sets up a procedure under which a recipient may apply for waiver of the restrictions contained in § 1630.1. Paragraph (a)

provides for waivers in cases of alien representation. Paragraph (b) requires programs seeking waiver to document for the Corporation their efforts to dispose of cases involving ineligible aliens. Recipients may not spend restricted funds to complete alien cases until they shall have received waiver.

List of Subjects

45 CFR Part 1600

Legal Services.

45 CFR Part 1631

Aliens, Grant programs—Legal Services.

For the reasons stated in the preamble, 45 CFR Part 1600 is amended and new Part 1631 is added as follows:

PART 1600—[AMENDED]

1. The authority citation for Part 1600 is revised to read as follows:

(42 U.S.C. 2996)

2. Section 1600.1 is amended by inserting the following definition alphabetically as follows:

§ 1600.1 Definitions.

"Control" means the direct or indirect ability to determine the direction of management and policies or to influence the management or operating policies of another organization to the extent that an arm's-length transaction may not be achieved.

3. New Part 1631 is added as follows:

PART 1631—EXPENDITURE OF GRANT FUNDS

Sec.

1631.1 Policy.

1631.2 Application and waiver.

Authority: 42 U.S.C. 2996e(b)(1)(A), 2996f(a)(3); Pub. L. 99-190, 99 Stat. 1185; Pub. L. 99-180, 99 Stat. 1136.

§ 1631.1 Policy.

No Legal Services Corporation funds, including income derived therefrom and those LSC funds held by organizations which control, are controlled by, or are subject to common control with, a recipient or subrecipient, a group of recipients and/or subrecipients, or agents or employees of such organizations shall be expended, unless such funds are expended in accordance with all of the restrictions and provisions of Pub. L. 99-180 of December 13, 1985, except that such funds may be

expended for the continued representation of aliens prohibited by said Public Law where such representation commenced prior to January 1, 1983, or as approved by the Corporation.

§ 1631.2 Application and waiver.

(a) The Corporation may grant a waiver of the restrictions contained in this Part to enable a program to complete representation in cases which commenced prior to January 1, 1986.

(b) Programs seeking a waiver pursuant to paragraph (a) of this section must submit documentation to the Corporation detailing their efforts to dispose of such cases in accordance with the procedures required in § 1626.6(a) (1), (2) and (3), and receive Corporation approval to expend funds for completion of the affected cases.

Dated: July 3, 1986.

John H. Bayly, Jr.,

General Counsel.

[FR Doc. 86-15429 Filed 7-8-86; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-165; RM-4926, 5106, 5107]

Radio Broadcasting Services; Gainesville and Olney, TX, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 300C2 to Gainesville, Texas, as that community's second FM channel at the request of Kevin Potter and Jack P. Nelson. In addition, Channel 248C2 is substituted for Channel 249A at Durant, Oklahoma, and Channel 248C2 is allotted to Olney, Texas, at the request of Thomas E. Spellman, permittee of Station KDEP-FM, Channel 249A at Durant and Ted Beck, respectively. The permit for Station KDEP-FM is also modified to specify Channel 248C2, thereby providing Durant with a first wide coverage FM service. Channel 248C2 at Olney, could provide that community's first local FM service. Channel 300C2 at Gainesville requires a site restriction of 28.1 kilometers (17.5 miles) north of the city. Channel 248C2

requires a site restriction of 24.4 kilometers (15.2 miles) south of Durant. With this action, this proceeding is terminated.

DATES: Effective August 8, 1986; the window period for filing applications for Channel 248C2 at Olney, Texas will open on August 9, 1986, and close on September 8, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-165, adopted June 19, 1986, and released July 2, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for Part 73 continues to read:

Authority: 47 U.S.C. 154, 303.

2. Section 73.202(b) is amended by adding the following communities and channels:

§ 73.202 Table of Allotments.

OKLAHOMA	
	Channel No.
Durant.....	248C2, 296A
TEXAS	
	Channel No.
Gainesville.....	233, 300C2
Olney.....	248C2

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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